

City Council Minutes

June 9, 2003

The Council of the City of Milton-Freewater met in regular session on Monday, June 9, 2003 at 7:00 p.m. in the council chambers of City Hall.

The following members were present: Mayor Key, Councilors Saager, Lyon, Humbert, Woods and Records and also Youth Representative Colahan. Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Grant Writer Mike Watkins, Police Chief Mike Gallaher and Acting Public Works Superintendent Dave Bradshaw. Citizens present were Curtis Walter, Gary David, Dan Kilmer and Rick McNulty. Councilor Kelley was absent due to illness.

The only member of the press present was Jeff Durham of the Blue Mountain Pioneer.

CONSENT CALENDAR ITEMS: Items on the consent calendar included minutes from the May 27, 2003 meeting. Councilor Saager moved to adopt the Consent Calendar and Councilor Records seconded the motion which passed unanimously.

Mayor Key announced this was the opportunity for citizens to approach the council with items not on the agenda.

Judy Paul, 108 SE 16th Street, approached the council stating there was a fire hydrant in her yard with rocks around the base. She asked if she could remove the rocks, use a weed-blocker, and then replace the rocks. She also stated she was cited for weeds and asked if she had been inspected and if she had passed inspection. Councilor Saager suggested that the Fire Chief inspect the fire hydrant. Assistant City Manager Linda Hall said she would research the abatement in the morning in answer to her second question and she would also set up the appointment with the Fire Chief.

NEW BUSINESS

PUBLIC HEARING AND RESOLUTION NO. 1930 Authorizing the Abatement of Weeds and Debris.

Mayor Key opened the hearing and summarized the rules for Public Hearing.

No ex parte contact was declared.

Mayor Key asked if notice of the hearing had been published according to law. Assistant City Manager Linda Hall stated that this had been done. Mayor Key then asked if there had been any written comments. Ms. Hall replied that none had been received.

Mayor Key asked for a staff report. Assistant City Manager Linda Hall stated the weed and debris abatement is nothing new for the City; that weed abatement began years before as a

proactive stance against fire hazard and later debris was added to help beautify the City. The abatement program has been handled many ways in the past, but with the blessing of the City Manager, Public Works Superintendent Howard Moss has taken a very consistent and proactive basis with two major inspections annually with one in the spring and the other in the fall with the thought to abate weeds before they become dry and become a fire hazard. On May 22nd, the Public Works department mailed out 326 letters by certified mail to property owners that did not meet the code regarding noxious weeds, tall weeds (more than 12 inches high), blackberry bushes, trees, plants, shrubs, etc. After the letters were mailed, over 70 phone calls and one-on-one contacts were made with the public works staff. Exhibit A of the list before council this evening is a full list of property owners who received a certified letter. Many have already resolved the issue and the City will no longer pursue anything further. Ms. Hall further said that the City's records are only as good as the County Assessor's tax records and that in a few cases, there seemed to be delays in the change of ownership records after the sale of property with the County Assessors office. This delay may be up to 90 days. Ms. Hall then noted that the public hearing process is specifically for notified property owners or property owners who may ask for extensions to comply before fines are assessed or statement for City cleanup.

City Manager Delphine Palmer intervened saying the weed abatement program was not completely with her blessing. She feels the program is a good program, but perhaps some issues are interpreted too strictly.

Mayor Key invited property owners to come forward to address council. Rick McNulty, 1007 Jacquelyn, approached council and stated that for the second consecutive year, he had received a weed abatement notice for property owned by the City of Milton-Freewater and also managed by the City as well. Mr. McNulty read his appeal letter to council and the audience. The letter said that Mr. McNulty was appealing the abatement notice and quoted Oregon statutes that suggested responsibility for the property abated belonged to the City of Milton-Freewater and further, Mr. McNulty was filing a complaint with the City Manager. After reading the letter Mr. McNulty said that he had received a certified letter for two consecutive years, and that with the money spent on postage the City could have sprayed the weeds. Mr. McNulty feels the City is acting on intimidation to have citizens act on issues the City is responsible for.

Assistant City Manager Linda Hall said she would be happy to consult the City's attorney to resolve the concerns brought forth by Mr. McNulty. Our City's code, which has been reviewed by the City attorney on numerous occasions, does say, as Mr. McNulty pointed out, state code allows the city code to dictate how the City handles noxious weeds and abatement notices. The code does call for the property owner being responsible for vegetation on that portion of public right-of-way abutting property such person owns except for the roadway.

Mr. McNulty said the City had not responded to his notices and that he would now take this to the county attorney. Councilor Humbert said he did not think the alley was City property. Councilor Lyons said he thought this subject was addressed last year and it was determined that the alley way was the responsibility of the resident. Assistant City Manager reiterated her pleasure in researching this issue with the city attorney and apologized to Mr. McNulty that no one had responded to Mr. McNulty in the past. Mr. McNulty gave the city five days to respond. Ms. Hall said she would have an answer to Mr. McNulty by end of business the next day.

Mayor Key asked for other property owners to address council. None approached.

Mayor Key asked if council had any questions.

Mayor Key declared the hearing closed.

Councilor Saager moved to adopt Resolution No. 1930, withholding notice on Mr. McNulty pending legal opinion. Councilor Records seconded the motion which passed unanimously.

APPROVAL OF SPECIAL EVENTS LIQUOR LICENSE, Chamber of Commerce exemption allowing alcohol in the park. City Manager Delphine Palmer stated that the Chamber was a non-profit organization and as discussed in the past the Chamber depends on the City for a portion of their funding. The Chamber would like to obtain additional revenues and some creative ways have been discussed to accomplish that goal. The Chamber will be marketing the new frog theme during the upcoming year and this activity will reduce their budget further. A beer garden has been discussed to raise funds. Many cities are involved in this kind of project and it is possible to raise several thousand dollars. The idea is to have the beer garden at the Muddy-Frogwater Festival. Because this is a family event, the hours would be limited, and if approved, the hours would be 4pm to 9pm on Friday, 3pm to 9pm on Saturday which is well before the band ends at 10:30pm and the beer garden would not be open on Sunday at all. The area would be fenced and a full-time person would have a radio to contact police if a problem arises.

Jon McFarland, M-F Chamber of Commerce Executive Director, said he went to Pendleton and received instruction from the Oregon Liquor License Commission (OLLC). The requirements are 1) pay the fee, 2) list time periods/addresses, 3) list type of entertainment, 4) list type of alcohol, which is only beer. The other concern is in reference to those who will serve, and that there will be a control on the entrance and exit and will have access to identification. Jon said they planned on having two to three people during all open hours for this express purpose. It is also planned to have three types of beer. Servers no longer have to be licensed by the State, but instead may receive volunteer instructions from the Chamber as to their responsibilities.

A discussion ensued with the major concern being the City's liability. Jon McFarland was asked about his liability insurance and he replied saying the Chamber's liability insurance for this event has not been confirmed. Police Chief Mike Gallaher was asked if he could foresee any problems. He said that he could not as he had not experienced alcohol in the park during his tenure, but that in general, he felt opposed to the idea due to the additional element of alcohol at this event.

Gary David, 315 DeHaven Street which is directly across the street from Yantis Park where Muddy Frogwater is held, stated he had years of experience controlling beer gardens during his past employment, but expressed his philosophical opposition to having a beer garden during a family event at Yantis Park during Muddy Frogwater. Mr. David said he thought a detailed plan should be submitted by the Chamber to the City including the City Police Department's input before council approves anything. Mr. David also offered advisory aid to Chief Gallaher.

Dan Kilmer, 311 SW 6th, asked what the city code exception was concerning having this beer garden. Assistant City Manager Linda Hall stated that would be Code 8-2-19 which says alcohol shall not be consumed in our parks without council permission. Mr. Kilmer then asked what kind of precedence this would create if approved. Mayor Key said that certainly after an exception to a code has been made previously, it makes other exceptions easier. City Manager Delphine Palmer said that the city she worked for previously had the same type of code requiring organizations to address council to obtain permission for alcohol use. They also had very specific guidelines that the police department provided, but if the criteria were met, approval could be obtained. Ms. Palmer further said that part of the criteria was that alcohol could only be served during daylight hours. Mr. Kilmer reiterated that the City should consider what precedence could be set by approving the exception to alcohol in the park and consider the neighborhood that may be affected.

Councilor Lyons stated he had received several phone calls from citizens who are adamantly opposed to allowing alcohol in the park. Councilor Saager said he knew of a beer garden party at the golf course during this last weekend and asked Chief Gallaher if there had been any police related calls for this event. Chief Gallaher said he would have to check the weekend logs. Frazier Museum holds a wine-tasting gala in August with several hundred people in attendance and asked if there had been complaints from this event. Chief Gallaher said the only complaint associated with the museum event is parking.

Discussion ensued. Councilor Humbert said he was in favor of this event, but wanted more information regarding liability and regulations perhaps from our city attorney. Councilor Records suggested hay bales instead of see-through fencing as is done in the City of Pasco. Grant Writer Mike Watkins said he would not like the hay bales due to the inability to see where his children may be.

Councilor Saager asked Assistant City Manager Linda Hall to research the liability issue with the city attorney.

Councilor Records moved to table the Approval of the Special Events Liquor License. Councilor Humbert seconded the motion which passed unanimously.

MANAGER'S REPORT

City Manager Delphine Palmer showed the camera-ready city logo to council. She then passed a copy of the city logo around to council and also passed around the theme logo that may be used by businesses, the Chamber of Commerce, and other organizations in the city. Ms. Palmer said the city attorney researched obtaining the trademark which would cost approximately \$3,000.00 each, but Grant Writer Mike Watkins said the city could obtain the trademarks online for approximately \$300.00.

Ms. Palmer said that Assistant City Manager Linda Hall and Administrative Assistant Teresa Dutcher and she, have all been working very hard on the Employee Policy manual. This should be presented before council at least by the first council meeting in July.

Ms. Palmer stated that one of the discussions brought out in the employee policy is checking driver's licenses annually. She further said she personally felt this was a good plan due to a possible change in an individual's driving record that may affect the City's liability.

Ms. Palmer said that staff is spending time with fees to determine the process for collecting and billing. It has been decided that all fees will be collected through the finance department.

The library latte shop was offered to the school district, but Ms. Palmer said she was disappointed that they turned this opportunity down. We now have another person interested in the shop and unfortunately the school district would now like to take up the previous offer. However, Ms. Palmer said that this other group will submit a proposal the next business day and if acceptable, the city will probably go with them.

On Thursday, Ms. Palmer will be meeting with several people to discuss creating an Arts Commission. Ms. Palmer said she asked a consultant to attend. This consultant helped obtain a grant for the arts commission developed in the City of Pendleton.

Ms. Palmer said the city had received several complaints about the brush on the hill by the RV Park at the south end of town. Some citizens believe this is city property, but instead the property belongs to the state and specifically ODOT responsible. The state then is responsible for cleaning this area, but they don't do a very good job. Ms. Palmer would like to get the city and ODOT work together with this project.

COUNCIL ANNOUNCEMENTS

Councilor Humbert said he had several phone calls about the Lamb Street construction saying that their yards are still torn up, but the construction personnel are gone. Acting Public Works Superintendent Dave Bradshaw said that the work has not stopped, but the crew has been greatly reduced. Mr. Bradshaw also reported that most of the crew was supposed to return during this week and that bids have gone out for some landscaping. Mayor Key asked if the landscaping would include the stretch along Broadway Street and Mr. Bradshaw said that area was included.

Councilor Humbert asked about payment authority for Apollo Construction. Assistant City Manager Linda Hall said that as long as the payment is within the council approved bid, the checks could be issued without any further approval. If a change order on the contract is under \$25,000.00, the City Manager may approve the change. If the change order is \$25,000.01 or more, the change would then have to be approved by council.

Councilor Woods reported he was down wind from the waste treatment plant and asked if there were some challenges there. Mr. Bradshaw explained to council that the reports are getting better slowly and that they have investigated the efficiency of a burner which may help solve the problem.

Councilor Records wanted to end the meeting on a positive note. He said that he had received several phone calls from citizens who are raving about the flower pots around City Hall and how beautiful they are. Councilor Records also wanted to extend his thanks to Councilor Saager for

his donation to several programs from his stipend as Acting Fire Chief which was announced at the previous council meeting.

The open session meeting adjourned at 8:10 p.m. to enter into executive session.

The Council reconvened from executive session at 8:30 p.m. to take the following action. Councilor Lyon moved that in light of a positive performance evaluation of the City Manager, Council increase her salary by 8% effective on her anniversary date. Councilor Saager seconded the motion, which passed unanimously.

There being no further business, the meeting was adjourned at 8:35 p.m.

Lewis S. Key, Mayor

June 23, 2003

The Council of the City of Milton-Freewater met in regular session on Monday,

June 23, 2003 at 7:00 p.m. in the council chambers of City Hall.

The following members were present: Mayor Key, Councilors Saager, Lyon, Humbert, Woods, Records and Kelley and also Youth Representative Colahan. Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Police Chief Mike Gallaher, Public Works Superintendent Howard Moss, Finance Director Dave Richmond, Electric Superintendent Mike Charlo and Fire Chief Sam Hubbard. Citizens present were Dennis Rea, Tony Turner, Merle Sherman and Pat Thompson.

Members of the press present were Jeff Durham of the Blue Mountain Pioneer and Jeannine Koranda of the East Oregonian.

CONSENT CALENDAR ITEMS: Items on the consent calendar included minutes from the June 9, 2003 meeting. Councilor Records moved to adopt the Consent Calendar and Councilor Saager seconded the motion which passed unanimously.

Mayor Key announced this was the opportunity for citizens to approach the council with items not on the agenda. None approached.

NEW BUSINESS

PUBLIC HEARING AND RESOLUTION NO. 1931 State Revenue Sharing. Assistant City Manager Linda Hall stated that State law requires local governments to host two public hearings prior to receiving any kind of state revenue sharing funds. One hearing is held before the Budget Committee and the other is held before the Council at the meeting where the fiscal budget is proposed to be finalized and adopted.

Mayor Key opened the hearing and summarized the rules for Public Hearing.

No ex parte contact was declared.

Mayor Key asked if notice of the hearing had been published according to law. Assistant City Manager Linda Hall stated that this had been done. Mayor Key then asked if there had been any written comments. Ms. Hall replied that none had been received.

Mayor Key invited citizens to come forward to address council. None approached.

Mayor Key declared the hearing closed.

Councilor Kelley moved to adopt Resolution No. 1931 Electing to receive State revenues. Councilor Woods seconded the motion which passed unanimously.

PUBLIC HEARING AND RESOLUTION NO. 1932 Resolution of the City of Milton-Freewater adopting the budget; making appropriations; and imposing and categorizing taxes for the fiscal year beginning July 1, 2003.

Mayor Key asked Finance Director Dave Richmond for the staff report and Mr. Richmond stated that each year before July 1st, the City presents to council a budget as amended and approved by the Budget Committee. The Budget Committee and Council thoroughly reviewed the budget before approving it. The budget committee made a motion to approve the budget and to levy taxes at the rate of \$3.7499 per \$1,000 of assessed value and \$116,400 for the Bonded Debt. This is reflected in the motion council needs to make and resolution that needs to be passed. Mr. Richmond finished by thanking the Budget Committee for their efforts.

Mayor Key opened the hearing and summarized the rules for Public Hearing.

No ex parte contact was declared.

Mayor Key asked if notice of the hearing had been published according to law. Assistant City Manager Linda Hall stated that this had been done. Mayor Key then asked if there had been any written comments. Ms. Hall replied that none had been received.

Mayor Key then invited citizens to come forward to address council. None approached.

Mayor Key declared the hearing closed.

Councilor Saager moved to adopt Resolution No. 1932 adopting the budget for the 2003-2004 fiscal year in the sum of \$21,599,358.00, levy taxes at the rate of \$3.7499 per \$1,000 of assessed value for operations and in the sum of \$116,400.00 for bond debt, and make appropriations as listed on Resolution No. 1932. Councilor Humbert seconded the motion which passed unanimously.

RESOLUTION 1933 Amending Electric Rates. Electric Superintendent Mike Charlo stated as background that our major power supplier, Bonneville Power, has announced the implementation of the Safety Net Cost Recovery Adjustment Clause (CRAC). This is in addition to our normal BPA rate and two other CRAC's in place. To cover this increase and to eliminate the use of Electric Department reserves, an 11% rate increase is needed by the City.

Discussion ensued.

Dennis Rea, 84224 Spofford Lane, stated this rate increase would be difficult on his farming operation as he runs a very large electrical pump. He further said he did realize that the electric department did need the resources to do a good job and hoped they would continue to be provided with such.

Councilor Kelley moved to adopt Resolution No. 1933 amending electric rates. Councilor Humbert seconded the motion. The motion passed with Councilors Saager, Humbert, Woods, Records and Kelley voting yea, and Councilor Lyon voting nay.

RESOLUTION NO. 1934 Amending Water Rates. Public Works Superintendent Howard Moss background statement says the overall increase is five percent (5%) and four new rate categories have been added. These rates for the new categories are not often used but it seems prudent to include them in the resolution. The only other change includes the elimination of one of the incremental charges per 1,000 gallons, whereas the existing rate changes from \$0.88 per thousand to \$0.95 per thousand after 50,000 gallons of usage. Mr. Moss proposed to eliminate the \$0.95 rate and propose the rate of \$0.93 from 5,000 to 50,000 gallons. Mr. Moss also proposed to drop the minimum charge for governmental customers based on meter sizes.

Councilor Saager moved to adopt Resolution No. 1934 to amend water rates. Councilor Kelley seconded the motion which passed unanimously.

RESOLUTION NO. 1935 Amending Rates for Solid Waste Collection. Public Works Superintendent Howard Moss stated the overall increase is thirteen percent (13%). There are some minor changes that depart from the 13% as follows:

1. A fixed amount of \$10.00 for extra service instead of prorated fees based on estimated volume.
2. Temporary use of a 90-gallon can increases from \$2.50 per empty to \$5.00 per empty and the temporary use of a 300-gallon can increases from \$5.50 per empty to \$10.00 per empty.
3. Free commercial can cleaning service will be eliminated and the fee for the second annual cleaning, which was sometimes done in the past increases from \$10.00 to \$20.00.
4. Appliances and furniture picked up at the curb increases from \$10.00 per item to \$15.00 per item.

Councilor Humbert moved to adopt Resolution No. 1934 to amend rates for solid waste collection. Councilor Kelley seconded the motion which passed unanimously.

RESOLUTION NO. 1936 to Transfer Funds Due to Unanticipated Expenditures. Finance Director Dave Richmond stated that during the current budget year, events have occurred that were not foreseen at the time the budget was prepared. The amount needed to cover the new aquatic center picnic shelter and salary costs, actual costs for storm drainage for the new library, added costs to inventory due to increased projects, costs for taxi services and motor pool due to rental of temporary boom truck to replace the damaged electric truck all contributed to the unanticipated expenditures.

Councilor Saager moved to adopt Resolution No. 1936 to transfer funds due to unanticipated expenditures. Councilor Kelley seconded the motion which passed unanimously.

BID AWARD of High Lift Truck was removed from the budget due to non-conforming bids.

RESOLUTION NO. 1937 Authorizing Signature to Amendment #1 with ODOT Transportation Grant. Assistant City Manager Linda Hall stated that when the State seized several of the supporting grant funds this spring due to their budget shortfall, the Small Cities Rural Area Transportation Grant fell victim to this. When the City told State officials that if we lost this grant it would end all our transportation programs, not just the bus, the State agreed to seek other funding avenues for us. Their solution was to tap the federal 5311 grant monies by extending our federal grant agreement. This action will extend our grant agreement for one more year. The agreement is for a maximum of \$72,567.00, but requires a 50% match. We have budgeted the match from taxi ticket sales of \$1.00 each as well as our STF grant for \$39,000.00. However, the STF grant is funded by cigarette tax money, which is still somewhat questionable.

Councilor Saager moved to adopt Resolution No. 1937 authorizing signature to Amendment #1 with ODOT Transportation Grant. Councilor Kelley seconded the motion which passed unanimously.

MANAGER'S REPORT

City Manager Delphine Palmer first and foremost thanked the Budget Committee for their time and work on this fiscal years complex budget. She noted that she had been quoted in the Union Bulletin on an article about our budget and had never made those quotes—nor had she even been interviewed.

Ms. Palmer explained that she had been contacted by, Cameron McFadden, consultant from Verizon. The company plans to put a few towers in Milton Freewater. Verizon wanted to place a tower on our water tank right above the City. This would mean that we could not decorate the tank with our Christmas or other decorations and no one could work on the tank without having Verizon clearing the dangerous radio waves before our crew could climb the tower. In addition, the tower would emit dangerous waves that would be very close to where our golfers play. I said that the tank would not be an option although Cameron was very forceful in the fact that Verizon wanted to locate their tower on the tank as their first option. Verizon is now looking at another

location on City property that is removed from the golf course. Verizon said if there is a possibility that they would want to request to locate their tower on our property, they will conduct a test with a weather balloon so that counselors and the citizens will be able to see where and how tall the tower will be if it is installed. Ms. Palmer told them that the final approval would have to be granted by the City Council.

Ms. Palmer announced that Fire Chief Sam Hubbard will be having a 4th of July fund-raiser to raise funds for uniforms for our volunteer squad. The fundraiser is in the form of a breakfast from 7:30 a.m. to 10:30 a.m. so shouldn't interfere with our citizen's other activities. She also announced that Chief Hubbard was recruiting volunteers to help with the breakfast.

Ms. Palmer stated that Police Chief Mike Gallaher was going to have a story in the Blue Mountain Pioneer regarding the VIP (Volunteers In Policing) program. Chief Gallaher is organizing a volunteer police service program with seniors and other volunteers. This program is very popular in Spokane, Washington where seniors experience rewarding opportunities. Chief Gallaher will be reporting on this as it develops.

During the next council meeting, Ms. Palmer said she would like to give a goals-update report.

Ms. Palmer said she met with the representative from Governor Kulongoski's office last Friday. Ms. Palmer said she was impressed with their desire to work closely with Municipals and that the representative was very interested in our City's program with the frog identity and branding and that that was a very exciting and upcoming program. The representative also mentioned to place grants through their office and it would place our grants ahead of some others.

Ms. Palmer announced that she had been conversing with her sister who had discovered a very shrewd scam. The email comes from BESTBUY.com-fraud. The letter is very convincing about credit-card usage and suggests that they intervened just in time. The letter then asks for very personal information (credit card number, social security number, birthdays, etc.) to aid in completely stopping this kind of theft. Ms. Palmer wanted this scam to be announced publicly to prevent any of our citizens from being scammed.

COUNCIL ANNOUNCEMENTS

Councilor Saager said he felt City Manager Delphine Palmer should phone the editor of the paper that quoted her when the employee from the paper never discussed the article to begin with. This shouldn't happen to any of us, he stated.

Councilor Saager also wanted to compliment the police department stating that his janitorial service had accidentally tripped the store alarm system and that they hadn't gotten out the back door and police had already arrived.

Councilor Kelley as appointee to the committee for Healthy Communities, Healthy Youth, announced that within the week of June 9th through June 14th, the Missoula Children's Theatre had been working very hard to present *Rumpelstiltskin* with approximately fifty-four

participants. She further stated the summer program was off to a very good start and was very pleased with this opportunity for the community.

Youth Representative Ben Colahan thanked the council for their graduation gift to him.

Councilor Woods reported on the Watershed Council meetings stating when the Tribes and the federal government combine, they will spend money on anything and they are working hard on a project to try to increase the discharge of the Walla Walla River. Together the Tribes and Corp have determined two sites for a complete engineering test for dam sites.

The meeting adjourned to an executive session at 8:27 p.m.

Council returned to open session following an executive session at 8:39 p.m.

Councilor Saager moved to authorize City Manager Palmer to enter into a six month trial agreement with Traci King d.b.a. as The Sugar Shack for the operation of an espresso shop out of our Library effective immediately. Councilor Humbert seconded and the motion passed unanimously.

There being no further Council business, the meeting was adjourned to an Urban Renewal Agency meeting at 8:41 p.m.

Lewis S. Key, Mayor